

-713 (#3)

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Request Details

Tracking Number : EPA-HQ-2013-000713

Submitted

Evaluation

Assignment

Processing

Closed

Request Information

Full Name : Keisha Sedlacek

Organization : Hall & Associates

Request Type : Request

Phase Information

Estimated Date of Completion : November 26, 2012

Final Disposition : Undetermined

Description :

To Whom This May Concern:

Please find attached a Freedom of Information Act (FOIA) request #3 for records associated with EPA's response to the Great Bay Municipal Coalition's scientific misconduct letter. If you have any questions, please do not hesitate to contact this office.

Sincerely, Keisha Sedlacek

Attached Supporting Files

Attached File	Type	Size (KB)
FOIA Request 3.pdf	PDF	650.44

Released Records ?

No records have been released.

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October 22, 2012

VIA E-MAIL

National Freedom of Information Officer
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW (2822T)
Washington, D.C. 20460
E-mail: hq.foia@epa.gov

RE: Freedom of Information Act Request for Records Associated with EPA's Response to the Great Bay Municipal Coalition's Scientific Misconduct Letter

To Whom This May Concern:

This is a request for public records pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, as implemented by the Environmental Protection Agency ("EPA") at 40 C.F.R. Part 2. This request is submitted by Hall & Associates on behalf of the Great Bay Municipal Coalition ("the Coalition"). For purposes of this request, the definition of "records" includes, but is not limited to, documents, letters, memoranda, notes, reports, e-mail messages, policy statements, data, technical evaluations or analysis, and studies.

Background:

On May 4, 2012, the Coalition submitted a letter to EPA Administrator Lisa Jackson and Inspector General Arthur A. Elkins, Jr. requesting (1) the review of Great Bay water quality criteria compliance and permitting be withdrawn from EPA Region I and transferred to an independent panel of experts who can assess the scientific basis of the Region's position and (2) the Region's actions leading to this request be investigated by the Office of Inspector General. The May 4, 2012, letter outlined, in detail, why EPA Region I's stance on imposing stringent TN limitations is based on the improper use of data and analyses to support a desired outcome and is not grounded in sound science. Additionally, the letter described how EPA has refused to allow an open peer review with public involvement in the process. Related to this request, the Coalition has met with EPA and submitted supplemental information to Ellen Gilinsky, Senior Policy Advisor, EPA's Office of Water on this issue.

On September 27, 2012, Nancy Stoner, EPA's Acting Assistant Administrator, responded to the Coalition stating EPA "has not seen any evidence that Region I engaged in scientific misconduct." The letter does not offer any explanation that indicates specific allegations raised by the Coalition were actually in error or false. This FOIA request seeks any such information regarding specific allegations.

Request:

As part of the Coalition's submissions to EPA, the following statement and supporting documentation were provided:

EPA first informed the state it must formally adopt the new numeric criteria and then, after Conservation Law Foundation threatened to sue EPA if Great Bay wasn't listed as nutrient impaired, EPA told the state criteria adoption wasn't needed. (See attached excerpts from Matthew Liebman (EPA) September 30, 2005 PowerPoint presentation entitled "Estuarine Nutrient Criteria" verifying this point, as well as, an internal EPA email sent on August 18, 2009.).

Please provide us with all records or factual analyses that show this statement is incorrect.

Please contact the undersigned if the associated search and duplication costs are anticipated to exceed \$250.00. Please duplicate the records that are responsible to this request and send them to the undersigned at the above address. If any requested records are withheld based upon any asserted privilege, please identify the basis for the non-disclosure. Moreover, to the extent EPA asserts that a document, or portions thereof, is privileged, the Agency is still responsible for producing the non-privileged portions of that document. If you have any questions regarding this request, please do not hesitate to contact this office so as to ensure that agency resources are conserved and only the necessary documents are reproduced.

Sincerely,

/s/ John C. Hall

JOHN C. HALL

Cc: Great Bay Municipal Coalition

Re: Fw: Request for revisions to the New Hampshire 2008 303(d) list to include Great Bay tidal waters assessments based on new nutrient criteria

Ann Williams

to:

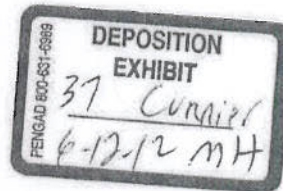
Alfred Basile

08/18/2009 11:56 AM

Cc:

Beth Edwards, Stephen Silva

Show Details



I've only glanced briefly at this. One thing that caught my attention was Paul's reference in the cover letter to numeric nutrient criteria that DES published in June 2009. Because these criteria have not been adopted into the WQS and submitted to EPA for review and approval, it's important to make clear that these are not formal "criteria" but rather are based on DES's interpretation and application of the State's existing narrative criteria. Let me know if you have questions or want to discuss.

Alfred Basile/R1/USEPA/US

08/17/2009 09:39 AM

To

Beth Edwards/R1/USEPA/US@EPA, Stephen Silva/R1/USEPA/US@EPA, Ann Williams/R1/USEPA/US@EPA

cc

Subject

Fw: Request for revisions to the New Hampshire 2008 303(d) list to include Great Bay tidal waters assessments based on new nutrient criteria

Hello all,

Attached is a letter from NHDES requesting amendment of the 2008 303(d) list to add Great Bay waterbody segments for N.

I'm working off-site today (508-347-8029) and then on leave tue, wed, and fri this week.

-----Forwarded by Alfred Basile/R1/USEPA/US on 08/17/2009 09:33AM -----

To: Alfred Basile/R1/USEPA/US@EPA

From: "Currier, Paul M." <Paul.Currier@des.nh.gov>

Date: 08/14/2009 04:32PM

cc: "Stewart, Harry" <Harry.Stewart@des.nh.gov>, "Comstock, Gregg"

<Gregg.Comstock@des.nh.gov>, "Trowbridge, Philip"

<Philip.Trowbridge@des.nh.gov>, "Edwardson, Ken"

<Kenneth.Edwardson@des.nh.gov>

Subject: Request for revisions to the New Hampshire 2008 303(d) list to

include Great Bay tidal waters assessments based on new nutrient criteria

Hi Al - Here is a letter request for revisions to the New Hampshire 303(d) list, together with the details of the revised assessments for Great Bay tidal waters on which the request is based. A hard copy is in the mail. Don't hesitate to call or email if you have questions.

Paul M. Currier, PE, PG
Watershed Management Bureau Administrator
Water Division, NH Department of Environmental Services
29 Hazen Drive, PO Box 95
Concord, NH 03302-0095
603.271.3289 fax 603.271.7894
paul.currier@des.nh.gov

[attachment "20090814 Transmittal Letter to EPA.pdf" deleted by Ann Williams/R1/USEPA/US] [attachment "20090813 2008 303d List Update for Nitrogen and Eelgrass.pdf" deleted by Ann Williams/R1/USEPA/US]



Estuarine Nutrient Criteria

Presentation to New Hampshire Estuaries
Project Technical Advisory Committee
Matthew Liebman, EPA New England

“We have a lot of problems, so let’s get started”

- EPA’s Nutrient strategy
 - Nutrients are a problem
 - Identify nutrient and biological levels below which nuisance or impaired conditions are unlikely to occur; thus designated uses are protected
 - Apply ecoregional reference condition approach, or effects based approach
 - Adopt criteria into state water quality standards
- Examples from lakes and streams
- Factors to think about in developing nutrient criteria
- Expectations from EPA, a national perspective, and examples from regional/state workgroups